

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|----------------------|---|-------------------------------------|
| DAVID STOKES, | : | CIVIL ACTION NO. 1:21-CV-495 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| SGT. REIHART, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 4th day of May, 2022, upon consideration of plaintiff's motion (Doc. 21) to compel discovery and the parties' cross motions for summary judgment (Docs. 25, 27), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 21) to compel discovery is GRANTED in part and DENIED in part.
2. The motion is granted to the extent that it seeks to compel production of documents responsive to plaintiff's requests for (1) copies of "confiscated items receipts issued and submitted by defendant Reihart from January [2017 through December 2020]"; (2) copies of "inmates[]" grievances filed against defendant Reihart for unlawful or illegal entries of inmate cells, and all confiscation of personal property, or items of inmates from January [2017 through December 2020]"; and (3) copies of any "Investigative Reports, findings or conclusions demonstrating any administrative 'Inmate Separations' ordered and/or submitted against defendant Reihart from January [2017 through December 2020]." (See Doc. 21 at 7, 10-11). The motion is additionally granted with respect to plaintiff's request for a copy of the stenographic transcript arising from the November 15, 2021 deposition that occurred in this case. (See id. at 3).
3. Defendant shall produce the aforementioned discovery on or before **June 6, 2022.**

4. The motion to compel discovery is denied with respect to plaintiff's requests for (1) copies of "[e]mployee[] incident reports dated September 5, 2020, issued by defendant Reihart, initiating her entry into plaintiff's cell"; (2) copies of "DC154A confiscated items receipt (inmate) dated September 5, 2020, issued by defendant Reihart"; and (3) copies of "witnesses' statements, investigative reports, or additional DC-121 employees' incident reports, submitted by other staff dated September 5, 2020, initiated from defendant Reihart's entry into Plaintiff's cell." (See id. at 2, 6, 7).
5. The motion to compel discovery is conditionally granted with respect to plaintiff's request for copies of "[i]nstitution's auto, video CCTV footage or surveillance coverage of the alleged incident of September 5, 2020 between the times of 4:30-5:00 p.m., in which defendant Reihart entered into the plaintiff's cell." (See id. at 9). Defendant shall file a supplemental response with respect to this request on or before **May 18, 2022**. The supplemental response shall indicate whether video footage responsive to plaintiff's request exists, whether defendant is in possession of the footage, whether defendant or defendant's counsel has taken steps to ensure that the Pennsylvania Department of Corrections will make the footage available to plaintiff, and any other information that is pertinent to the court's resolution of this issue.
6. The motions for summary judgment (Docs. 25, 27) are DENIED WITHOUT PREJUDICE.
7. Renewed dispositive motions shall be filed on or before **August 1, 2022**.
8. Scheduling of a final pretrial conference and the trial date is deferred pending disposition of dispositive motions.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania